

Exhibit A

Mark M. Bettilyon (4798)
Brett Davis (7480)
THORPE NORTH & WESTERN LLP
175 S. Main St., Suite 900
Salt Lake City, UT 84111
Telephone: (801) 566-6633
Facsimile: (801) 566-0750
E-mail: mark.bettilyon@tnw.com
brett.davis@tnw.com

Attorneys for CMMG, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

Nicholas B. Germann (dba Precision
Marksmanship Technologies),

Plaintiff,

v.

CMMG, Inc.,

Defendant.

Case No. 2:21-cv-00583-DAK

**DECLARATION OF MARK
BETTILYON**

Judge Dale A. Kimball

I, Mark Bettilyon, based upon my personal knowledge and to the best of my understanding, declare as follows:

1. I am a Partner at the law firm Thorpe North & Western in Salt Lake City, Utah. If called to testify, I would give testimony consistent with the facts set forth herein.
2. My firm represents Defendant CMMG, Inc. (“CMMG”) in this lawsuit.

3. It is my understanding that CMMG is a Missouri corporation with its main business offices located in Boonville, Missouri. Boonville is located in the U.S. District Court for the Western District of Missouri.

4. It is my understanding that CMMG does not have a physical presence or employees located in Utah.

5. In the course of investigating the allegations in the Complaint, I have determined that the following CMMG employees, all located in Missouri, are likely to be called as witnesses at trial on the indicated topics:

- Chris Reinkemeyer, CEO/CFO, will testify regarding CMMG's day-to-day operations, sales, and financial information related to the BANSHEE mark.
- Tim Zick, Marketing Manager, will testify regarding CMMG's marketing and promotional activities related to the BANSHEE mark.
- John Overstreet, President, will testify regarding CMMG's adoption, development and use of the BANSHEE mark, including its dates of first use in the various relevant geographic locations.
- John Overstreet, Vice President, will testify regarding CMMG's adoption, development, and use of the BANSHEE mark, including its dates of first use in the various relevant geographic locations.

6. Based on my experience, CMMG will incur substantial expenses for the above-identified witnesses to travel to Utah for trial, including airfare, lodging, and meals.

7. In addition, it is my understanding that the bulk of CMMG's physical evidence and documents that will be used in this case are located in Missouri.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 1st day of December, 2021.

THORPE NORTH & WESTERN LLP

/s/ Mark M. Bettilyon
Mark M. Bettilyon